

The Honorable James L. Robart

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

STATE OF WASHINGTON; STATE OF
CALIFORNIA; STATE OF MARYLAND;
COMMONWEALTH OF
MASSACHUSETTS; STATE OF NEW
YORK; and STATE OF OREGON,

Plaintiffs,

v.

DONALD TRUMP, in his official capacity as
President of the United States; U.S.
DEPARTMENT OF HOMELAND
SECURITY; JOHN F. KELLY, in his official
capacity as Secretary of the Department of
Homeland Security; REX W. TILLERSON, in
his official capacity as Secretary of State; and
the UNITED STATES OF AMERICA,

Defendants.

No. 2:17-cv-00141 (JLR)

**STIPULATION AND ~~PROPOSED~~
ORDER TO EXTEND DEADLINE
FOR SUBMITTING JOINT STATUS
REPORT**

Noted For Consideration:
June 22, 2017

Pursuant to the Court's May 17, 2017 Order Granting Motion for Stay, Dkt. # 189,
Plaintiffs and Defendants, through their respective undersigned counsel, hereby stipulate and
agree as follows:

1. Plaintiffs challenge Executive Order 13,769 and 13,780, each titled "Protecting
the Nation from Foreign Terrorist Entry into the United States." See 82 Fed. Reg. 8,977 (Feb.
1, 2017); 82 Fed. Reg. 13,209 (Mar. 6, 2017). On May 17, 2017, the Court entered an Order

1 staying proceedings in this case pending the Ninth Circuit's resolution of the appeal in *Hawaii*
 2 *v. Trump*, No. 17-15589 (9th Cir.). See Order Granting Motion for Stay, Dkt. # 189. The Court
 3 further ordered the parties to file a joint status report within ten days of the Ninth Circuit's ruling
 4 in *Hawaii* so that the Court could evaluate the continued appropriateness of a stay at that time.
 5

6 2. On June 12, 2017, the Ninth Circuit issued its decision in *Hawaii*, affirming in
 7 part and vacating in part the district court's entry of a preliminary injunction against enforcement
 8 of Sections 2 and 6 of the Executive Order. See *Hawaii v. Trump*, No. 17-15589, 2017 WL
 9 2529640 (9th Cir. June 12, 2017). The Ninth Circuit overturned certain portions of the injunction
 10 involving internal-review procedures, and vacated the injunction to the extent it ran against the
 11 President, but it upheld the remainder based on statutory grounds. Accordingly, the parties' joint
 12 status report is currently due on June 22, 2017.
 13

14 3. On May 25, 2017, the Fourth Circuit issued a decision in *International Refugee*
 15 *Assistance Project v. Trump*, 857 F.3d 554 (4th Cir. 2017) (en banc), affirming a preliminary
 16 injunction against enforcement of Section 2(c) of the Executive Order on Establishment Clause
 17 grounds.
 18

19 4. Defendants have sought Supreme Court review of the courts of appeals decisions
 20 in both *Hawaii* and *IRAP*. In particular, Defendants have asked the Supreme Court to grant
 21 certiorari in both cases so that they may be considered together and to stay the preliminary
 22 injunctions in both cases pending disposition of the petitions for writ of certiorari and any further
 23 proceedings in the Supreme Court. See *Hawaii*, No. 16A-1191 (filed June 1, 2017); *IRAP*, No.
 24 16-1436 (filed June 1, 2017); *IRAP*, No. 16A-1190 (filed June 1, 2017). Defendants also
 25 requested expedited briefing on and consideration of their petitions for writ of certiorari so that
 26

1 the petitions could be considered before the Supreme Court adjourns for the summer and, if the
2 Supreme Court grants review, merits briefing could be completed by the beginning of next Term.
3 Pursuant to the schedules set by the Supreme Court, the certiorari petitions and stay applications
4 were fully briefed on June 21, 2017.

5
6 5. To permit the parties to be informed by any decision(s) by the Supreme Court on
7 the certiorari petitions and stay applications in *Hawaii* and *IRAP* before filing a joint status report

8 on the continued appropriateness of the stay in this case, the parties stipulate and agree to an
9 extension of time for submission of their joint status report. The parties shall file a joint status
10 report on the continued appropriateness of the stay by July 6, 2017.

11 Accordingly, IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiffs
12 and Defendants, subject to the Court's approval, that:

13
14 A. The parties shall file a joint status report on the continued appropriateness of the
15 stay in this case by July 6, 2017.

16 Dated this 22nd day of June, 2017.

17 Presented by:

18 BOB FERGUSON, WSBA #26004
19 Attorney General of Washington

CHAD A. READLER
Acting Assistant Attorney General

20 /s/ Colleen M. Melody
21 NOAH G. PURCELL, WSBA #43492
Solicitor General

JENNIFER D. RICKETTS
Director, Federal Programs Branch

22 COLLEEN M. MELODY, WSBA #42275
Civil Rights Unit Chief

JOHN R. TYLER
Assistant Director, Federal Programs
Branch

23 ANNE E. EGELER, WSBA #20258
Deputy Solicitor General

24 MARSHA CHIEN, WSBA #47020
PATRICIO A. MARQUEZ, WSBA #47693
Assistant Attorneys General
Office of the Attorney General
800 Fifth Avenue, Suite 2000
Seattle, WA 98104

/s/ Michelle R. Bennett
MICHELLE R. BENNETT
DANIEL SCHWEI
ARJUN GARG

(206) 464-7744
Noahp@atg.wa.gov
ColleenM1@atg.wa.gov

XAVIER BECERRA
Attorney General of California
Angela Sierra
Senior Assistant Attorney General
Douglas J. Woods
Senior Assistant Attorney General
Tamar Pachter
Supervising Deputy Attorney General

BRAD P. ROSENBERG
Trial Attorneys
U.S. Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Avenue, NW
Washington, DC 20530
Tel: (202) 305-8902
Fax: (202) 616-8470
Email: michelle.bennett@usdoj.gov
arjun.garg@usdoj.gov

/s/ Alexandra Robert Gordon

Attorneys for Defendants

Alexandra Robert Gordon
Deputy Attorney General
Office of the Attorney General
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 703-5509
Email: Alexandra.RobertGordon@doj.ca.gov

BRIAN E. FROSH
Attorney General of Maryland

/s/ Robert A. Scott

STEVEN M. SULLIVAN
Solicitor General
Federal Bar No. 24930
ROBERT A. SCOTT
Assistant Attorney General
Federal Bar No. 24613
MEGHAN K. CASEY
Assistant Attorney General
Federal Bar No. 28958
Office of the Attorney General of Maryland
200 St. Paul Place, 20th Floor
Baltimore, Maryland 21202
Telephone: (410) 576-6325
Fax: (410) 576-6955
ssullivan@oag.state.md.us
rscott@oag.state.md.us
mcasey@oag.state.md.us

MAURA HEALEY
Attorney General of Massachusetts

/s/ Genevieve C. Nadeau

ELIZABETH N. DEWAR

1 *State Solicitor*
GENEVIEVE C. NADEAU
2 *Chief, Civil Rights Division*
JESSE M. BOODOO
3 *Assistant Attorney General*
One Ashburton Place
4 Boston, MA 02108
617-727-2200
5 Bessie.Dewar@state.ma.us
Genevieve.Nadeau@state.ma.us
6 Jesse.Boodoo@state.ma.us

7 ERIC T. SCHNEIDERMAN
Attorney General of the State of New York

8 /s/ Lourdes M. Rosado
9 LOURDES M. ROSADO
Bureau Chief, Civil Rights Bureau
10 SANIA W. KHAN
Assistant Attorney General
11 Office of the New York State Attorney
General
12 120 Broadway
New York, New York 10271
13 (212) 416-8252
lourdes.rosado@ag.ny.gov

14 ELLEN F. ROSENBLUM
15 Attorney General of Oregon

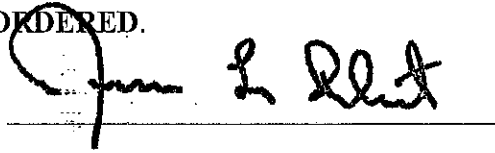
16 /s/ Scott J. Kaplan
SCOTT J. KAPLAN, WSBA #49377
17 Senior Assistant Attorney General
Oregon Department of Justice
18 100 Market Street
Portland, OR 97201
19 971-673-1880
scott.kaplan@doj.state.or.us

20
21 Attorneys for Plaintiff
22
23
24
25
26

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated June 23, 2017



JAMES L. ROBART
United States District Judge

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

CERTIFICATE OF SERVICE

I hereby certify that, on June 22, 2017, a copy of the foregoing document was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

DATED this 22nd day of June, 2017.

/s/ Michelle R. Bennett
MICHELLE R. BENNETT